

AMENDED IN ASSEMBLY APRIL 22, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2239

Introduced by Assembly Member Chesbro

February 21, 2014

An act to amend Sections 4593.10 and 4597.9 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 2239, as amended, Chesbro. Forest practices: management plans: change of ownership.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection. A violation of the act is a crime.

Existing law authorizes a person who intends to become a working forest landowner, as defined, or nonindustrial tree farmer, as defined, to file a working forest management plan or a nonindustrial timber management plan, as applicable, with the department, with the long-term objective of an uneven aged timber stand and sustained yield through the implementation of the plan. Existing law requires, in the event of a change of ownership of the land described in the working forest management plan, the landowner to notify the new landowner of the existence of the plan and the need to notify the department of the new landowner's intent regarding assumption of the plan. Existing law provides the new landowner one year from the date of the receipt of

the notification by the department to notify the department in writing of the assumption of the working forest management plan and if the department does not receive notification within this period, the plan expires. In addition, existing law requires a nonindustrial timber management plan to expire 180 days from the date of change of ownership unless the new timberland owner notifies the department in writing of the change of ownership and his or her assumption of the plan.

This bill would, in the event of change of ownership of land described in a nonindustrial timber management plan, require a transferring landowner to notify the acquiring landowner of the existence of the plan and the need to inform the department if he or she intends to assume the plan.

This bill would require, upon change of ownership of land described in either a working forest management plan or a nonindustrial timber management plan, the transferring landowner to send the department a copy of the notice provided to the acquiring landowner. The bill would require the department to provide the acquiring landowner with the notice if the transferring landowner fails to provide it and the department discovers the change of ownership. The bill would give the acquiring landowner one year from the date of the receipt of either notice to notify the department of his or her intent to assume the plan. The bill would authorize the department to cancel the plan if no notice is received within this period.

~~Because this bill would impose new duties on a landowner, a violation of which would be a crime, the bill would create a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The bill would provide that a violation of the above provisions relating to notice by a landowner does not constitute a crime.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4593.10 of the Public Resources Code
2 is amended to read:

3 4593.10. (a) Upon a change of ownership of the land described
4 in the nonindustrial timber management plan, the transferring
5 landowner shall provide the acquiring landowner with written
6 notice that discloses the existence of the plan and informs the
7 acquiring landowner of the need to notify the department if the
8 acquiring landowner intends to assume the plan. The transferring
9 landowner shall also send the department a copy of the notice
10 provided to the acquiring landowner.

11 (b) If the transferring landowner fails to provide the notice
12 required in subdivision (a) and the department discovers the change
13 of ownership, the department shall provide the acquiring landowner
14 with the notice described in subdivision (a).

15 (c) The acquiring landowner shall have one year from the date
16 of the receipt of the notice required pursuant to subdivision (a) or
17 (b), whichever is applicable, to notify the department in writing
18 of his or her assumption of the plan. If the department does not
19 receive notification within this period, the department may cancel
20 the plan.

21 (d) *A violation of this section by a landowner does not constitute*
22 *a crime pursuant to Section 4601.*

23 SEC. 2. Section 4597.9 of the Public Resources Code is
24 amended to read:

25 4597.9. (a) Upon a change of ownership of the land described
26 in the working forest management plan, the transferring landowner
27 shall provide the acquiring landowner with written notice that
28 discloses the existence of the plan and informs the acquiring
29 landowner of the need to notify the department if the acquiring
30 landowner intends to assume the plan. The transferring landowner
31 shall also send the department a copy of the notice provided to the
32 acquiring landowner.

33 (b) If the transferring landowner fails to provide the notice
34 required in subdivision (a) and the department discovers the change
35 of ownership, the department shall provide the acquiring landowner
36 with the notice described in subdivision (a).

37 (c) The acquiring landowner shall have one year from the date
38 of the receipt of the notice required pursuant to subdivision (a) or

(b), whichever is applicable, to notify the department in writing of his or her intent to assume the plan. If the department does not receive notification within this period, the department may cancel the plan.

(d) A violation of this section by a landowner does not constitute a crime pursuant to Section 4601.

~~SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.~~